

FILED IN CLERK'S OFFICE
U.S.D.C. Gainesville

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

AUG 25 2009

JAMES N. HATTEN, Clerk
By: *Don Stanhope*
Deputy Clerk

UNITED STATES OF AMERICA

-vs-

Case No. 2:09-CR-00008-WCO

WENDELL RAY SPELL

Defendant's Attorney:
Paul M. Cognac

JUDGMENT IN A CRIMINAL CASE

The defendant pled guilty to Count(s), one of the Indictment.

Accordingly, the defendant is adjudged guilty of such count(s) which involves the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count No.</u>
18:1343	Wire Fraud	One

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to 18 U.S.C. 3553 and within the reasonable discretion of the Court after reviewing and considering the Federal Sentencing Guidelines.

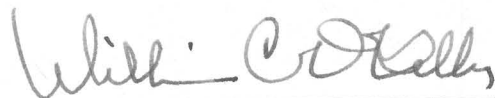
It is ordered that the defendant shall pay the special assessment of \$ 100.00 which shall be due immediately and for which he stands committed.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within thirty days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No. 1331
Defendant's Date of Birth: 1958
Defendant's Mailing Address:
Millwood, GA

Date of Imposition of Sentence: August 19, 2009

Signed this the 24th day of August, 2009.



WILLIAM C. O'KELLEY
SENIOR UNITED STATES DISTRICT JUDGE

WCO

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **144 MONTHS as to count one of the indictment in the above entitled cause.**

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **THREE (3) YEARS as to count one of the indictment.**

While on supervised release, the defendant shall not commit another federal, state or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard and special conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

The defendant shall not possess a firearm as defined in 18 U.S.C. § 921.

The defendant shall cooperate in the collection of DNA as directed by the probation officer and as required by law.

The defendant shall make a full and complete disclosure of finances and submit to an audit of financial documents, at the request of the United States Probation Officer.

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer and unless the defendant is in compliance with the installment payment schedule.

The defendant shall submit to a search of his person, property (real, personal, or rental), residence, office, and/or vehicle, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other resident that the premises may be subject to searches pursuant to this condition.

It is ordered that the defendant make restitution in the amount of which is to be determined by the Court. Once restitution has been imposed by the Court, the defendant shall make restitution payments from any wages he may earn in prison in accordance with the Bureau of Prisons Financial Responsibility Program. Any portion of restitution that is not paid in full at the time of the defendant's release from imprisonment shall become a condition of supervision. It is further ordered that after this amount is established, the government is to provide the U.S. Probation Office with the address for each victim and the amount of restitution ordered for each victim, which will be forwarded to the clerk's office for distribution.

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STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer within **72** hours of any change in residence or employment;
7. The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician, and shall submit to periodic urinalysis tests as directed by the probation officer to determine the use of any controlled substance;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within **72** hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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RESTITUTION

In accordance with 18 U.S.C. A. 3664(d)(5), the Court hereby defers the imposition of restitution until the parties are adequately able to provide the Court with the requisite data as to the defendant's restitution obligation. It is hereby ordered that the United States of America ("the Government") and Chad Aman and Aman Equipment, Inc. ("Claimants") shall have seven (7) days to confer and to attempt to resolve any outstanding issues between them. Thereafter, the Government shall within ten (10) days file with the court a position paper regarding restitution, along with modifications, if any, to the previous list. The Government shall also at this time submit a complete list of restitution claims, including the address of each victim entitled to restitution and the amount of restitution owed to each victim. Claimants shall submit their response within ten (10) days from the time the Government submits its position paper. The Government shall then have seven (7) days to reply, after which the matter shall be submitted to the court.

WCO

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FORFEITURE PROVISION

It is ordered that all of the defendant's right, title and interest in the property identified in the Consent Preliminary Order of Forfeiture dated March 25, 2009, and the Amendment to the Consent Preliminary Order of Forfeiture dated July 27, 2009, which are hereby incorporated by reference, is forfeited.